

Exhibit 3

Jurisdictions That Have Expressly Provided for the Availability of Both Damages and Equitable Relief for Public Nuisance Claims, Either By Statute or in Case Law

Arizona: *Spur Indus., Inc. v. Del E. Webb Dev. Co.*, 108 Ariz. 178, 184, 494 P.2d 700, 706 (1972) (both damages and injunctive relief available for public nuisances).

Florida: *Baylen St. Wharf Co. v. City of Pensacola*, 39 So.2d 66, 68 (Fla. 1949) (“where equity assumes jurisdiction to grant an injunction, to restrain waste or for other reasons, as an incident to such relief, it may award damages and may make other decrees essential to do complete justice between the parties”); *Gentry-Futch Co. v. Gentry*, 90 Fla. 595, 602, 106 So. 473, 475 (1925) (same).

Idaho: Idaho Code § 52-111 (“nuisance may be enjoined or abated, as well as damages recovered”).

Indiana: Ind. Code Ann. § 32-30-6-8 (“[i]f a proper case is made, the nuisance may be enjoined or abated and damages recovered for the nuisance.”).

Iowa: Iowa Code § 657.1 (action “may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance”).

Maine: Me. Rev. Stat. Ann. tit. 17, § 2702 (providing for abatement of nuisance in addition to judgment for damages).

Montana: Mont. Code Ann. § 27-30-104 (“The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.”).

Nevada: Nev. Rev. Stat. Ann. § 252.110(5) (authorizing district attorney on behalf of the county to bring action for abatement of nuisance, including actions for injunction, as well as for compensatory and exemplary damages).

North Carolina: N.C. Gen. Stat. § 19-1.5 (“The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.”).

North Dakota: N.D. Cent. Code. Ann. § 42-01-11 (“The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.”).

Puerto Rico: P.R. Laws Ann. tit. 32, § 2761 (“the nuisance may be enjoined or abated, as well as damages recovered”).

South Dakota: S.D. Codified Laws § 21-10-9 (“In all such actions the nuisance may be enjoined, or ordered abated, and damages recovered in addition.”).

Tennessee: Tenn. Code Ann. § 29-3-114 (“In all suits brought for the recovery of damages resulting from any nuisance, . . . the court exercising a sound discretion may immediately . . . order . . . the nuisance to be abated.”).

Wisconsin: Wis. Stat. Ann. § 823.03 (“In [nuisance] actions, when the plaintiff prevails, the plaintiff shall, in addition to judgment for damages and costs, also have judgment that the nuisance be abated unless the court shall otherwise order.”).